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500.01 Introduction

Washington State's transportation system policy goals include environmental protection: "To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment ([RCW 47.04.280\(1\)\(e\)](#))." WSDOT is committed to protecting the quality of our air, water, cultural, and natural resources.

Under our Environmental Policy Statement ([WSDOT Executive Order 1018.03](#)), WSDOT's employees are directed to conduct business in a safe, secure, and environmental sustainable manner that protects the human and natural environment of the state. WSDOT's efforts to ensure our activities meet this commitment include:

- Promote sustainable practices to reduce greenhouse gas emissions and protect natural habitat and water quality.
- Work with tribes and federal, state, and local agencies to adequately protect our state's natural and cultural resources.
- Consult with tribes in order to protect treaty reserved rights and resources.
- Strive for the most effective and efficient environmental review and approval processes.
- Incorporate environmental commitments (such as permit conditions) into project-level contracts and track them throughout project delivery.
- Participate in training concerning the department's environmental stewardship responsibilities as appropriate to their job functions.
- Be familiar with and adhere to all environmental commitments, policies, and procedures applicable to their activities.
- Report compliance concerns and review environmental performance measures as a basis to continually improve the department's environmental performance.

500.02 Scoping

The permit process begins during project scoping ([Chapter 300](#)) when the Environmental Review Summary (ERS) is completed. Project Environmental Coordinators identify which permits could be required based on the initial scope of the project and the regulatory requirements. Understanding project and location activities is important to successfully identify permits and approvals. Here are examples of some project activities and locations that may require permits:

- Work within 200 ft. of a Shoreline of Stateside significance requires a shoreline permit or exemption.
- Projects with federal funding, federal permits, or on federal land (federal nexus).
- Impacts on sensitive resources such as cultural resources, wetlands, and waterbodies.

We first seek to avoid impacting protected resources. When we cannot avoid impacts, we obtain environmental permits to comply with these laws. Resource agencies issue permits that include conditions so our work will have minimal impacts to the environment and, when needed, provide direction on mitigation to offset those impacts.

Use the list of common permits and approvals below to determine which permits may be required for your project. This list does not include approvals obtained as part of the early design stage of the project such as Endangered Species Act Compliance or the State Environmental Policy Act. Most of these permits and approvals are obtained during the late design stage. See the discipline chapters of this *Environmental Manual* for policy that applies to a single permit or approval. This chapter includes information that applies to multiple permits. Consult the [Office of Regulatory Assistance and Innovation's \(ORIA\) Regulatory handbook](#) or resource agency staff to obtain information about permits and approvals not included in this chapter. Here is a list of the common environmental permits and approvals that are typically issued after the early design phase:

- Stormwater and water quality (*Environmental Manual Chapter 430*)
 - NPDES Municipal Stormwater General Permit ([Stormwater & water quality](#) webpage)
 - NPDES Construction Stormwater General Permit ([Stormwater & water quality](#) webpage)
 - NPDES Bridge and Ferry Terminal Washing General Permit ([Stormwater & water quality](#) webpage)
 - NPDES Industrial Stormwater General Permit (Washington State Ferries Eagle Harbor Repair Facility) ([Stormwater & water quality](#) webpage)
 - NPDES Aquatic Plant & Algae Management ([Stormwater & water quality](#) webpage)
 - NPDES Aquatic Mosquito Control General Permit ([Stormwater & water quality](#) webpage)
 - Section 401 Water Quality Certification ([Stormwater & water quality](#) webpage)

- Wetlands and other waters *Environmental Manual Chapter 431*
 - Clean Water Act Section 404 permit (Wetlands and other waters webpage)
 - Rivers and Harbors Act Section 10 permit ([Wetlands and other waters](#) webpage)
 - Rivers and Harbors Act Section 9 Coast Guard bridge permit ([Wetlands and other waters](#) webpage)
 - Rivers and Harbors Act Section 408 approval ([Wetlands and other waters](#) webpage)
 - Shoreline permits/approvals ([Wetlands and other waters](#) webpage)
 - Coastal Zone Management Act (CZMA) Consistency Certification ([Wetlands and other waters](#) webpage)
 - Water Rights ([Ecology Water Rights](#) webpage)
- Special Flood Area (*Environmental Manual Chapter 432*)
 - Floodplain Development Permits (Floodplains webpage)
- Fish, wildlife, and vegetation (*Environmental Manual Chapter 436*)
 - Hydraulic Project Approval ([Fish](#) webpage)
 - Incidental Take Authorization (Marine Mammals webpage)
- Noise (*Environmental Manual Chapter 446*)
 - Noise variances (Noise webpage)
- Land Use and Transportation (*Environmental Manual Chapter 455*)
 - Critical Areas ([Land Use](#) webpage)
 - Forest Practices ([Land Use](#) webpage)
 - Aquatic Use Authorization (Land Use webpage)
- Cultural Resources (*Environmental Manual Chapter 456*)
 - Archeological Resources Protection Act Permit ([Cultural resources & archeology](#) webpage)

Clearing and Grading permits have some unique aspects because of WSDOT's plenary authority. In general, you do not need a building, grading or clearing permit from the local agency for transportation-related work, such as state highway or bridge construction ([RCW 36.70A.200\(5\)](#)). This includes retaining walls, noise walls and activities required by a regulatory condition or requirement, such as stormwater facilities or mitigation sites. Some local agencies may use building, grading and clearing permit applications for their critical area or floodplain permits. Check with the city or county where the work will occur. See the Growth Management Act Critical Areas Ordinance and Floodplain Development Permit if the local government does use building, grading and clearing permits to meet other permit needs. Work on rest areas, ferry terminals and connections between state and local roadways may not be exempt.

500.03 Roles and responsibilities

Effective communication between the environmental staff, the design team, and the resource agencies is crucial to build trust and efficiently permit a project. This section provides general guidance for the major groups involved in the permitting process. Be sure to follow guidance on WSDOT's Environmental discipline webpages and region/ferries processes for permitting projects, if applicable.

500.03(1) **Resource agencies**

- Understand the project(s) they are being asked to permit.
- Help WSDOT determine permitting requirements (e.g., what is needed for a complete application, mitigation requirements) through verbal and written communication and conducting site visits.
- Review applications and issue permits.
- Provide technical and regulatory guidance.
- Conduct site visits during construction to verify compliance with permits.
- Provide close outs of permits whose sites meet the requirements.

500.03(2) **Environmental Manager/Assistant Manager/Supervisors**

- Track environmental scope, schedule, and budget.
- Oversee environmental staff.
- Help resolve environmental issues and disagreements.
- Ensure compliance with federal, state, local, and Tribal environmental requirements.
- Foster good relationships with the resource agencies.
- Review draft permit applications to ensure they are complete.
- Notify resource agencies when required by the permits.
- Record annual usage of general permits and report this annually to the Environmental Services Office (ESO).

500.03(3) **Project Environmental Coordinator**

- Coordinate with the Design Team to understand the project's scope, schedule, budget, and project footprint.
- Determine which permits a project may require.
- Coordinate with environmental technical experts to determine a project's impact to that resource and ensure completion of permit supporting documentation (e.g., wetland delineation, mitigation plan).
- Determine if design changes affect permitting requirements.
- Fill out the permitting section of the ERS and Environmental Classification Summary (ECS).
- Coordinate early and throughout the project with resource agencies to identify permit requirements and discuss opportunities to avoid and minimize impacts to natural and cultural resources.
- Ensure project coordination with appropriate Tribal contacts (when applicable) occurs during the permit application process.
- Gather information and fill out permit applications.

- Ensure consistency between project design, environmental documentation, and the permit application.
- Submit complete and accurate permit applications to the agencies.
- Track and assign permit conditions to ensure fulfillment.
- Ensure environmental commitments are reflected in the construction contract.

500.03(4) WSDOT Environmental Technical Experts (Headquarters, Regions, and Ferries)

- Identify project impacts on sensitive areas such as wetlands ([Chapter 431](#)), streams ([Chapter 430](#)), floodplains ([Chapter 432](#)), cultural resources ([Chapter 456](#)), fish and wildlife habitat ([Chapter 436](#)), and sites with hazardous waste ([Chapter 447](#)).
- Document the impacts in technical reports or memos.
- Develop mitigation options when resource impacts are unavoidable.
- Help Project Environmental Coordinators answer technical permitting questions.
- Provide assistance during construction as needed.

500.03(5) Design Team

- Provide project definition during scoping phase.
- Provide project design information to help the Project Environmental Coordinator determine permitting requirements and complete the permit application.
- Provide project drawings for the permit application package that meet the resource agency requirements.
- Design the project to avoid and minimize impacts to environmental resources.
- Communicate design changes to environmental staff.
- Review permit applications to ensure consistency with design.
- Incorporate environmental commitments into the construction contract.
- Ensure plan sheets show sensitive areas.

500.03(6) ESO Compliance Solutions Branch

- Communicate permitting policy and process changes to regions, modes, megaprograms, and HQ maintenance environmental offices.
- Create interagency agreements with resource agencies.
- Develop and maintain permitting guidance.
- Provide training to the regions, Ferries, and other project environmental offices.
- Provide policy and technical support for Hydraulic Project Approval (HPA), Clean Water Act Sections 404 and 401, Rivers and Harbors Act Sections 9, 10 and 408, Shoreline Management, Critical Areas Ordinance, Aquatic Land Use Authorization, Coastal Zone Management Consistency Certification, National Point Discharge Elimination System (NPDES) Bridge & Ferry Terminal General Permit, Water Rights, Clearing & Grading, and Floodplain permits and approvals (Multi-Agency Permit Program).
- Negotiate general permits (General Hydraulic Project Approvals (GHPAs) and NPDES Bridge and Ferry Terminal General Permit) and report annual usage to the resource agencies (Multi-Agency Permit Program).

- Review environmental permitting bills from the legislature to determine their potential impact on WSDOT.
- Organize statewide environmental coordinator roundtable meetings to discuss resource updates and lessons learned (Compliance Assurance Program).
- Lead the Multi-Agency Permit Program (MAPP) Steering committee and other groups to meet the requirements set in [RCW 47.85.020](#) (Multi-Agency Permit Program).

500.03(7) ESO Policy Branch

- Provide policy and technical support for Noise Variances (Air and Noise Program).
- Provide policy and technical support for Archaeological Resource Protection Permit (Cultural Resource Program).

500.03(8) ESO Stormwater Branch

- Provide policy and technical support for Section 402 permits, including NPDES Municipal and NPDES Construction Stormwater General Permits.

500.03(9) ESO Biology Branch

- Provide policy and technical support for Incidental Take Authorizations under the Marine Mammal Protection Act (Fish and Wildlife Program).

500.03(10) Regional Maintenance Environmental Coordinator (RMEC)*/ Maintenance Staff

- Implement the Regional Road Maintenance Program to avoid and minimize impacts to fish and aquatic species.
- Use WSDOT general permits for maintenance activities where possible.
- Obtain project-specific environmental permits to ensure compliance with federal, state, local, and tribal environmental requirements.
- Review long-term commitments from construction projects to ensure they can be fulfilled by WSDOT maintenance.
- Communicate environmental requirements and provide training to maintenance staff.
- Enter general permits usage into the Highway Activity Tracking System (HATS) database and conduct quarterly QA/QC.

500.04 Identify the Required Permits and Coordination

WSDOT conducts studies and gathers information during the environmental review phase ([Chapter 400](#)) to determine what permits are required for a project. It's important for the Project Environmental Coordinator to closely coordinate with the design team to know the area that the project will impact. This will help the Project Environmental Coordinator identify which permits and approvals a project needs to meet regulatory requirements. Having a clear understanding of permitting timelines and good communication with the design team about design changes will help WSDOT avoid project delays and surprises. WSDOT environmental staff should coordinate closely with the design team to ensure the project schedule accurately reflects amount of time it will take to obtain environmental permits and approvals.

*RMECs have similar permitting responsibilities for maintenance activities as Project Environmental Coordinators listed above.

WSDOT often discusses permit requirements during coordination with the resource agencies. There are many benefits for early project coordination including but not limited to; minimizing impacts through design based on understanding what permits and supporting information is required. Great communication with resource agencies and the design team throughout the design process can prevent schedule delays. See the identify permit and early coordination section for more information.

Resource agencies issue most permits after 60% design for design bid build projects. The timing may be different for Design-Build projects (or those using different contracting methods).

Refer to the [Design-Build Manual M 3126](#) for information regarding risks and strategy associated with environmental permitting of Design-Build projects. As the permits are issued, WSDOT reviews the conditions to ensure they can be implemented during construction.

During the plans, specifications, and estimates (PS&E) phase, commitments from the permits are incorporated into the contract before advertising the project for bids ([Chapter 590](#)).

In addition to the agency specific permit information, WSDOT must consider the agreements we have with resource agencies for some permits that may apply to various phases both before and after permit issuance.

Resource agency staff and WSDOT's Environmental Services Office (ESO) permitting subject matter experts are a great resource for answering WSDOT's permitting questions; including help with identifying permits or determining if a project is permittable. You can find the permitting subject matter expert on the appropriate WSDOT Environmental Guidance webpages under the contacts tab (see permitting webpage list in the scoping section above). Project Environmental Coordinators are encouraged to coordinate early with resource agency staff and the ESO permitting subject matter experts to discuss project details and identify information the regulators need to process an application. Resource agency coordination is an opportunity to obtain technical feedback to avoid and minimize environmental impacts. This coordination also provides an opportunity to ask about how long the review process may take. The extent of early coordination should be proportionate to the level of environmental risk a project presents. For example, the level of early coordination for a project that expands the roadway, impacts wetlands, or requires in-water work should be more time intensive than a paving project.

Project Environmental Coordinators and designers can reduce the time it takes to obtain permits and approvals by finding ways to avoid and minimize environmental impacts. For example, designers can steepen a road embankment or use retaining walls to avoid direct wetland impacts. Avoiding wetland impacts may prevent WSDOT from having to obtain a permit from the Corps. Federal and state policies and directives require WSDOT to first avoid and then minimize wetland impacts. Contact your region Biologist or visit the WSDOT's [Wetlands & other waters](#) webpage for additional information.

Project Environmental Coordinators can also check the WSDOT [Fish](#) and [Stormwater & water quality](#) webpages to see if the project activities are covered by existing general permits. One of the most commonly used general permits for preservation projects is the Bridge Maintenance and Preservation GHPA for bridge washing, painting, general maintenance and repair, and deck replacement.

Once a Project Environmental Coordinator has determined which permits are needed, the time frame to obtain each permit should be reflected in the project schedule along with any predecessors. Sometimes permits can be predecessors for other permits. This will allow the project team to determine the critical path. The project schedule should allow adequate time for environmental permits to be obtained and permit requirements (environmental commitments) to be incorporated into the PS&E (or Request for Proposal for a Design Build project).

500.05 Submit a complete permit application and obtain permits

WSDOT uses the [Joint Aquatic Resource Permit Application \(JARPA\)](#) to obtain the aquatic permits from federal, state, and local resource agencies. The JARPA is a single permit application for activities in or along aquatic environments that allows applicants to apply for more than one permit at a time. However, some agencies require or allow use of different application forms. For example, the Corps has special Pre-Construction Notices (PCNs) for fish passage projects and emergency work. Be sure to consult the appropriate WSDOT webpage (under “final design” tab), regulatory agency webpage, or regulatory staff to ensure you are using the correct application for the permit.

A complete permit application package submittal is typically comprised of three main parts:

- A completed permit application
- Permit drawings
- Supporting documents

WSDOT can greatly reduce permitting schedule delays by submitting a complete permit application package to the resource agencies and by addressing comments from the reviewing agency promptly. To reduce these delays, WSDOT collaborated with the Corps Seattle District, Ecology, and the Washington Department of Fish and Wildlife (WDFW) to develop and maintain complete permit application guidance ([RCW 47.85.020\(3\)](#)). This guidance identifies the information WSDOT is required to provide for the agencies to determine our application is complete. Be sure to understand the supporting documentation that the resource agency needs for a complete permit application and to issue your permit without unnecessary delays. You may access complete permit application guidance on WSDOT’s [Fish, Wetlands and other waters](#), and other webpages (see Environmental guidance webpage for other disciplines).

Project teams must perform internal reviews to ensure quality and consistency before submitting permit application materials to the resource agencies ([RCW 47.85.020\(4\)](#)).

Once the agencies notify you that your permit submittal is complete, a “regulatory review clock” starts for some of the resource agencies. This term refers to the time an agency has to issue a permit decision to WSDOT. Some agencies have statutory requirements that set a maximum number of days they have to issue a permit decision. For example, WDFW has 45 days to issue Hydraulic Project Approval permits ([RCW 77.55.021\(7\)b](#)). The [ORIA Environmental Regulatory Handbook](#) provides permit information, including how long it takes agencies to issue certain permits.

Local agencies (city, town, code city, or county) must make a final determination on all permits required for a project on a state highway no later than 90 days after we submit a complete permit application to the greatest extent practicable for WSDOT projects that cost less than five hundred million dollars ([RCW 47.01.485](#)).

500.06 After permit issuance/permit modifications

Once a resource agency issues a permit, WSDOT should immediately review the conditions to ensure its requirements are feasible and constructible. Engineers responsible for the project design and construction should review the environmental commitments ([Chapter 490](#)). If WSDOT identifies a permit condition that is unclear or is not feasible, staff should first work with the resource agency permit writer. If there are unresolvable issues with the resource agency, the permit decision may need to be appealed. Appeal times vary depending on the agency issuing the permit. Follow appeal processes as outlined in the permit or within existing interagency agreements.

WSDOT's construction contracts must reflect the environmental commitments for which the contractor is responsible ([Chapter 590](#)).

Sometimes the scope of a project changes after the permit issuance.

Environmental staff evaluates the impacts of the change to determine whether WSDOT needs to adapt environmental approvals or obtain new permits, seek permit reverifications or permit modifications. Design and Construction engineering staff need to notify the Project Environmental Coordinator immediately when a project modification is proposed. The Project Environmental Coordinator will evaluate the scope change(s) to determine if a permit modification, reverification, or additional permits are necessary. The Project Environmental Coordinator will coordinate with the appropriate resource agencies as needed to make this determination. If the change requires a permit modification, it must be secured before the contractor is allowed to do the work within the area that requires permit coverage. Some Design-Build projects obtain permits during the early design phase prior to RFP issuance. Permit modifications may be needed after the Design-Builder determines the final design.

500.07 Manage permits and conditions during construction

WSDOT is ultimately responsible for ensuring compliance with environmental permits and approvals during construction ([Chapter 600](#)). WSDOT employees have a role in ensuring that the contractor's work is compliant with the environmental permits and agreements. Staff conduct field inspections to ensure that project activities comply with permit conditions and environmental commitments ([RCW 47.85.030\(3\)](#)). Visit the [Environmental during construction](#) webpage to access discipline-specific compliance guidance and other *Environmental Manual* chapters for discipline-specific compliance policy.

500.08 Links to permitting resources

- WSDOT Environmental [Discipline Guidance](#) webpages
- [JARPA](#)
- ORIA [Environmental Regulatory Handbook](#)

500.09 Abbreviations and acronyms

Corps	US Army Corps of Engineers
ECS	Environmental Classification Summary
EPA	Environmental Protection Agency
ERS	Environmental Review Summary
ESO	Environmental Services Office
GHPA	General Hydraulic Project Approval
HPA	Hydraulic Project Approval
JARPA	Joint Aquatic Resource Permit Application
NPDES	National Pollutant Discharge Elimination System
NOI	Notice of Intent
ORIA	Office of Regulatory Innovation and Assistance
PCN	Pre-Construction Notice
PS&E	Plans, Specifications, & Estimates
RMEC	Regional Maintenance Environmental Coordinator

500.10 Glossary

Approval – General term referring to any document other than a permit that needs a signature by someone in authority at the agency having statutory jurisdiction over that activity. The document may be called an approval, certification, concurrence, easement, or license, all of which represent an agency signifying, “Yes we authorize you to conduct this activity as long as you do it in this manner.” An approval may specify conditions under which the activity is performed.

General Permit – Also referred to as a “Programmatic Permit,” a general permit is issued by a federal or state agency to cover a specific type of activity in a certain geographic area (national, statewide, or regional). For certain NPDES general permits, WSDOT must submit a “Notice of Intent” (NOI) to request coverage under the permit for a particular activity; the agency may approve or disapprove coverage.

Individual Permit – A permit issued to WSDOT by a resource agency for a particular activity or project that is not covered by a General Permit; usually needed for more complex or extensive projects.

JARPA – JARPA is a single permit application for activities within or near aquatic environments. Multiple resource agencies (federal, state, and local) developed application that applicants can use to apply for multiple aquatic permits. However, some state and local agencies may require separate permit applications.

Permit – A document required by law and issued by a resource agency or tribe that authorizes a specific type of activity under certain conditions.

Programmatic Permit – Also referred to as a “General Permit” a programmatic permit is issued to WSDOT to cover a certain type of activity such as bridge washing/cleaning, culvert maintenance, or bridge debris removal.